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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE CITY AND COUNTY OF SAN
FRANCISCO, CALIFORNIA and THE
PEOPLE OF THE STATE OF CALIFORNIA,
Acting by and through San Francisco City
Attorney DAVID CHIU,

Plaintiffs,

v.

PURDUE PHARMA L.P., et al.

Defendants.

Case No. 3:18-cv-7591-CRB

**DECLARATION OF SWATI
PATEL, PHARM.D.**

1 1. I have been employed by the San Francisco Department of Public Health (“DPH”)
2 since 2007. From 2010 to 2021, I served as the Outpatient Pharmacy Services Manager
3 for Zuckerberg San Francisco General Hospital (“ZSFG”), and from 2021 to present, I
4 have served as the Director of Pharmacy for ZSFG.

5 2. ZSFG operates two types of public safety-net pharmacies: inpatient pharmacies for
6 hospitalized patients and an outpatient pharmacy. In my deposition, Walgreens appeared
7 to compare ZSFG’s pharmacies to Walgreens. I have come to understand the general
8 operations of retail chain pharmacies from both my many years of interacting with retail
9 chain pharmacies in my roles at ZSFG and my previous work experience at a two retail
10 chain pharmacies. Retail chain pharmacies and ZSFG’s pharmacies are fundamentally
11 different.

12 3. ZSFG’s inpatient pharmacies provide medications to patients for direct
13 administration under medical supervision.

14 4. ZSFG’s Outpatient Pharmacy comes closer to a retail pharmacy, but it is still very
15 different from a retail chain pharmacy like Walgreens. ZSFG’s Outpatient Pharmacy
16 holds a “Hospital Outpatient Pharmacy” license. It is not open to the general public.
17 Instead, it provides medications to two specific types of patients only: (1) patients
18 discharged from a ZSFG hospital stay; and (2) low-income San Francisco residents who
19 are established patients the DPH network.

20 5. The majority of opioid prescriptions dispensed at the ZSFG outpatient pharmacy
21 are short-course prescriptions dispensed at discharge from a hospital stay. From 2017 to
22 2020, for example, approximately 80% of opioid prescriptions the pharmacy dispensed
23 were at discharge from a hospital stay with an average days’ supply of between 4 and 5
24 days.

25 6. Unlike a retail chain pharmacy like Walgreens, the ZSFG Outpatient Pharmacy is
26 not open to any prescriber. With limited exceptions, the ZSFG Outpatient Pharmacy only
27 fills prescriptions written by providers employed by DPH or affiliated with DPH (*e.g.*,
28 UCSF physicians working at ZSFG). We operate as a closed network, making these

1 physicians easily reachable if there is a question about a prescriptions (whether by phone,
2 pager, secure chat, etc.).¹

3 7. ZSFG Outpatient Pharmacists have ready access to patients' electronic medical
4 records to confirm diagnosis, identify drug interactions, ensure the appropriateness of the
5 prescribed dose, and address any potential warning signs of diversion prior to dispensing.
6 Records include not just medication lists, lab results, and clinic notes, but an indication of
7 whether the patient is in compliance with a "pain contract" that sets forth terms for
8 chronic pain treatment. Some patients are subject to urinalysis to ensure they are taking
9 (rather than diverting) their medications, and these results are available to pharmacists.

10 8. Outpatient pharmacists are expected to review medical records prior to dispensing
11 medications. Our policy documents state as much. As supervisor for more than a decade, I
12 closely supervised the Outpatient Pharmacy staff, which at no time consisted of more than
13 12 pharmacists in only one location, to ensure they followed this procedure.

14 9. In general, ZSFG Outpatient Pharmacy patients may not pay out-of-pocket for
15 medications. Rather, the pharmacy bills third-party insurance. The only exceptions are for
16 insured patients upon hospital discharge or after an emergency department or urgent care
17 visit. Exceptions are only made on a case-by-case basis and with approval of a manager.

18 10. The ZSFG Outpatient Pharmacy is public entity dedicated to the vulnerable
19 patients it serves. Our institution is committed to community health, and our pharmacists
20 are not compensated or promoted based on the number of prescriptions filled, turnaround
21 time metrics, or the pharmacy's revenue.

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27 ¹ The Outpatient pharmacy only fills prescriptions for outside providers if a registered
28 DPH patient receives an urgent care or emergency department prescription written
elsewhere and brings that prescription to the ZSFG outpatient pharmacy.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed this 8 th of May, 2022, in San Ramon,
3 California.
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5 Swati Patel
6 Swati Patel, Pharm.D.
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